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Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 05-00260 JMS
	)	
Plaintiff,	)	UNITED STATES' RESPONSE AND
	)	TO DEFENDANT LOW'S MOTION
v.	)	TO PRECLUDE VOUCHING FOR
	)	CREDIBILITY OF GOVERNMENT
JAMES LOW,	(01)	)
	)	WITNESSES;
Defendant.	)	CERTIFICATE OF SERVICE
	)	
	)	DATE: June 1, 2006
	)	TIME: 9:00 a.m.
	)	JUDGE: Hon. Alan C. Kay

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**UNITED STATES' RESPONSE TO DEFENDANT LOW'S  
MOTION TO PRECLUDE VOUCHING FOR THE  
CREDIBILITY OF GOVERNMENT WITNESSES**

COMES NOW the United States of America, by and through  
Edward H. Kubo, Jr., United States Attorney, and Mark A.  
Inciong, Assistant United States Attorney, and hereby files its  
response to Defendant Low's motion to preclude vouching for the

credibility of government witnesses. Said response is based upon the files and records of this case, together with the attached memorandum of points and authorities.

**I**

**POINTS AND AUTHORITIES**

A. **THE PROSECUTION HAS NO INTENTION OF VOUCHING IN ANY WAY FOR ANY GOVERNMENT WITNESSES AT TRIAL**

The United States is well aware of the legal and ethical prohibitions of vouching for the credibility of any of its witnesses. The United States assures the Defendant and the trial Court that it will not engage in any such inappropriate conduct at trial. The United States simply makes the same request of Defendant.

**II**

**CONCLUSION**

The United States agrees that no witness vouching should occur from either party at trial and joins in the Defendant's motion.

DATED: May 19, 2006, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.  
United States Attorney

By /s/ Mark A. Inciong  
MARK A. INCIONG  
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that, on the date and by the method of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses:

Served by First Class Mail:

JAMES LOW  
Federal Detention Center  
P. O. Box 30080  
Honolulu, HI 96820  
Defendant PRO SE

May 22, 2006

RICHARD KAWANA, ESQ.  
810 Richards Street, Suite 851  
Honolulu, HI 96813  
Standby Counsel for Defendant  
JAMES LOW

May 22, 2006

DATED: Honolulu, Hawaii, May 22, 2006.

/s/ M. Derby-Taufa'asau